

**Notice of Allowability**

Application No.

09/985,736

Examiner

Yogesh C. Garg

Applicant(s)

KINDO ET AL.

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/18/2005 & Telephone Interview 11/4/2005.
2. ☒ The allowed claim(s) is/are 1 and 4-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/6/02&1/3/05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/4/2005.
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

Y.C. Garg  
Primary Examiner

### **DETAILED ACTION**

1. The Applicant's Response received on 8/18/2005 is acknowledged and entered. Claims 1 and 4-8 are amended, claims 2, 3, 9-25 are canceled and new claims 26-34 have been added. Currently claims 1, 4-8 and 26-34 are pending for examination.
2. In view of amendments made to claims 1 and 4-8 and cancellation of claims 2-3 rejection of claims 1-8 under 35 USC 112, second paragraph is withdrawn.

### **EXAMINER'S AMENDMENT**

- 3 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Mr. Ken Moore on 11/4/2005.

The application has been amended as follows:

Claim 26: canceled.

Claim 27: canceled.

Claim 28: canceled.

Claim 29: canceled.

Claim 30: canceled.

Claim 31: canceled.

Claim 32: canceled.

Claim 33: canceled.

Claim 34: canceled.

***Allowable Subject Matter***

4. Claims 1 and 4-8 are allowed. Claim 1 is independent and claims 4-8 are dependencies of claim 1.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:

**Claims 1 and 4-8**

The prior art, when considered as a whole, fails to teach or fairly suggest an e-commerce system comprising inter alia: a merchandise information distribution unit, a plurality of consumer terminals, each comprising a storage section that stores a personal profile in which various keywords contained in the merchandise information and evaluation values corresponding to the keywords are registered, the evaluation values being learned in advance based on a preference of a consumer, and an information filtering section that ranks the merchandise information distributed from said merchandise information server to match the preference of the consumer, based on the personal profile; and a clearing unit that withdraws a charge of merchandise from an account designated by the consumer to pay to

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the seller when receiving an order for merchandise from either of said consumer terminals, a first consumer terminal of said plurality of consumer terminals being configured to transfer distributed merchandise information to an information filtering section of a second consumer terminal of said plurality of consumer terminals, the information filtering section of the second consumer terminal ranking the transferred distributed merchandise information based on a personal profile stored in a storage section of the second consumer terminal, the first consumer terminal being configured to place an order for merchandise using the merchandise information ranked by the second consumer terminal , in independent claim 1 and as defined by the specification.

6. Discussion of most relevant prior art:

(i) US Patent 6,014,638 to Burge et al. discloses a system and method facilitating communication between customer and merchant terminals for customizing content and computer displays in accordance with the stored customer's needs and preferences (see Abstract, col.5, line 16-col.8, line 2 ). However, Burge et al. fails to anticipate or render obvious the application's above-mentioned underlined unique features as a whole in view of Bellovin et al. (US Publication 2001/0056409) or any other prior art or knowledge available to one of an ordinary skilled in the art.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Press Release, " Allstarlineup.com capitalizes on Thriving Online Sports And Entertainment Memorabilia Market", PR Newswire; August 10, 2000 extracted from Dialog database on 11/3/2005 discloses a website " Allstarlineup.com" in Canada specialized in the supply of collectibles and memorabilia of high profile celebrities but does anticipate or render obvious the application's above-mentioned underlined unique features as a whole.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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YCG  
11/10/2005